

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

URTHALER *et al.*

Appl. No.: 10/806,346

Filed: March 23, 2004

For: **Methods And Devices For  
Producing Biomolecules**

Confirmation No.: 3985

Art Unit: 1636

Examiner: McGillem, Laura L.

Atty. Docket: 0652.2620001/EKS/AES

**Reply to Restriction Requirement**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated September 29, 2006, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group I, represented by claims 1-24. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made **with** traverse.

Applicants respectfully submit that the claims of Groups I and II should be examined together. The claims of Group I and Group II are related in that the reactor of the claims of Group II (claims 25-39) is used to carry out the method of the claims of Group I. A search concerning the patentability of the invention of one group is likely to uncover art of interest to the other group. Even if Applicants' claims encompass multiple independent and distinct inventions, the Examiner must examine all the claims if the search and examination of the claims can be made without serious burden. Manual of Patent Examining Procedure, 8<sup>th</sup> Ed. (August 2006), § 803, at page 800-4, left-hand

column, lines 1-16. Applicants submit that the search of Groups I and II would not impose any burden upon the Examiner, because a search concerning the patentability of the invention of one group is likely to uncover art of interest to the other group. Therefore, Applicants respectfully request that the Group II claims be rejoined to the claims of Group I.

Reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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